

RESOLUTION PROPOSING CHARTER AMENDMENTS RELATED TO CERTAIN
DEPARTMENT HEADS, TOWN COUNCIL POWERS, AND PERSONNEL
ADMINISTRATION

Pursuant to Article XIII, section 9, of the Constitution of the State of Rhode Island and Article XII, section 1205, of the Tiverton Home Rule Charter, the Tiverton Town Council proposes the following amendments to the Tiverton Town Charter, to be submitted for approval of the electors of the Town of Tiverton as Ballot Questions No. 1 & No. 2.

The following Article and Sections are proposed to be Amended with additions to various sections noted as underlined and deletions shown as a strikethrough.

QUESTION NO. 1:

ARTICLE IV TOWN COUNCIL

Section 407 Powers and Duties

All powers of the Town shall be vested in the Town Council except as otherwise provided by the Charter or by the Constitution and laws of the State. The Town Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law, provided however, that the administration and management of the government of the Town shall be the responsibility of the Town Administrator. Among its powers and duties, the Council shall:

9.) Adopt by ordinance and amend from time to time, in consultation with the Town Administrator, such personnel policies, including those that establish the qualifications required for hiring of the Town Administrator and all department heads not inconsistent with the Charter, and provide such rules, regulations and arrangements for the implementation thereof, as it may deem appropriate, for the better governance of the Town and Management of its affairs.

ARTICLE V TOWN ADMINISTRATOR

Section 502 Qualifications

The qualifications for appointment as Town Administrator are a Bachelor's Degree with five (5) years administrative experience or equivalent experience and any such other qualifications as determined by the Town Council pursuant to Section 407 (9) of this Charter.

~~The administrative experience required above shall include, but not be limited; preparation and management of budgets, contract negotiations, grant writing and personnel management commensurate with the needs of the town.~~

ARTICLE IX DEPARTMENT AND AGENCIES

Section 901 Department of Public Works

(a) *Organization*

There shall be a Department of Public Works, the head of which shall be the Director of Public Works, who shall be appointed by the Town Administrator with the approval of the Town Council for an initial contract period not to exceed three (3) years. Renewal contracts shall not exceed three (3) years. The Director of Public Works shall have had training and/or experience in administration, engineering, construction, or other professional fields which pertain to the responsibilities of the department, and preferably with a Bachelor's Degree from an accredited college or university and any such other qualifications as set by the Town Council pursuant to Section 407 (9) of this Charter. ~~He/She~~ The Director shall be responsible for the efficient operation of all the activities of the Department of Public Works. The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Director of Public Works.

Section 902 Police Department

(a) *Organization*

There shall be a Police Department, the head of which shall be the ~~Chief of Police~~ Police Chief, who shall have served at least five (5) years in the rank of Lieutenant or higher in any organized ~~police department~~ law enforcement agency and shall during those years have gained command experience and any such other qualifications as set by the Town Council pursuant to Section 407 (9) of this Charter, ~~in several areas of responsibility. He/she shall possess a bachelor's degree in with criminal justice or sociology.~~ The ~~Chief of Police~~ Police Chief shall be employed for an initial contract period, not to exceed three (3) years, by the Town Administrator with the approval of the Town Council. Renewal contracts shall not exceed three (3) years. There shall be such other subordinate officers, patrolmen, special police officers and employees as shall be determined from time to time by the Town Administrator, upon the recommendation of the Police Chief and the approval of the Town Council. The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the ~~Chief of Police~~ Police Chief.

Section 903 Fire and Rescue Department

(a) *Organization*

There shall be a Fire and Rescue Department, the head of which shall be the Fire Chief, who shall have at least ten (10) year's experience with progressively greater responsibility in fire department management, firefighting, fire prevention, and Emergency Medical Services or equivalent experience and any such other qualifications as set by the Town Council pursuant to Section 407 (9) of this Charter. ~~He/she shall possess at minimum an Associates degree in fire~~

~~science, public administration, or a related field, and five (5) years experience in command position, as well as two (2) years of administrative experience. In additoin, the Fire Chief shall be a qualified Emergency Medical Technician (EMT).~~ The Fire Chief shall be appointed for an initial contract period not to exceed three (3) years, by the Town Administrator with the advice and consent of the Town Council. Renewal contracts shall not exceed three (3) years. There shall be such other subordinate officers, firefighters, ~~EMTs~~ emergency medical technicians and employees as shall be determined from time to time by the Town Administrator, upon the recommendation of the Fire Chief and the approval of the Town Council. The organization of the department into divisions, offices or grades shall be made by the Town Council on recommendation of the Town Administrator, in consultation with the Fire Chief.

EXPLANATION OF BALLOT QUESTION 1: Shall various cited Articles of the Home Rule Charter be amended to allow for the Town Council to determine and set additional educational, job experience, or other requirements for the hiring of the Police Chief, Fire Chief, and Director of Public Works not inconsistent with minimum qualifications as set forth in the Charter.

EFFECT OF THE CHANGE: The proposed amendments will allow greater flexibility in recruiting qualified candidates for various heads of the Police, Fire, and Public Works departments, by allowing the Town Council to set qualifications for each of the positions listed by ordinance not inconsistent with the Home Rule Charter. In doing so, it is expected that the Town Council will be able to tailor qualifications to a department's specific needs and expand the pool of applicants.

QUESTION NO 2:

Sec. 1007. Personnel Board.

The Personnel Board shall consist of five (5) electors appointed by the Town Council for four (4) year terms. Terms shall be staggered so that no more than two (2) terms expire in any year. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The Commission shall annually elect a Chairperson, Vice Chairperson, and such other officers as they deem appropriate.

- (a) *Duties and Responsibilities.* The Personnel Board shall accept and review applications for all full and part-time job vacancies for town employment and recommend applicants to the Town Administrator. The Personnel Board may develop a method for advertising vacant municipal positions.

The Personnel Board shall:

- 1.) Review all applications for full and part-time employment.

...

- ~~(b) *General Provisions.* Hiring of all personnel, including full time, part time, acting, temporary or seasonal employees shall be done through the Personnel Board. The applicable Department Head shall be invited to attend interviews, assist the Board in~~

~~questioning applicants, and make recommendations. Employment shall be based on merit and competitive exams (when applicable), and shall be free of personal or political considerations. The Town is an equal opportunity employer and shall not discriminate on the basis of sex, race, creed or national origin.~~

(b) General Provisions.

- (1) The hiring of all full and part-time personnel shall be done through the Personnel Board. The applicable Department Head shall be invited to attend interviews, assist the Board in questioning applicants, and make recommendations. Employment shall be based on merit and competitive exams (when applicable) and shall be free of personal or political considerations.
- (2) All applications for temporary, seasonal and acting employees shall be accepted and reviewed by the Town Administrator. Temporary, seasonal, or employees serving in an acting capacity shall be appointed by the Town Administrator as long as the appointment shall not exceed one hundred eighty (180) calendar days. No such appointment may exceed one hundred eighty (180) calendar days but may be extended for an additional ninety (90) day calendar period with the approval of the Town Council.
- (3) The Town is an equal opportunity employer and shall not discriminate on the basis of sex, sexual orientation or identity, disability, race, creed or national/ancestral origin.

EXPLANATION OF BALLOT QUESTION 2: Shall the Charter section related to the powers and duties of the Personnel Board be amended to retain its role in the review and hiring of full and part-time employees, and allow the Town Administrator to hire seasonal, temporary, and appointed persons in an acting capacity for a limited period of 180 days?

REASON & EFFECT OF THE CHANGE: If adopted, this amendment will streamline the hiring of seasonal, temporary employees, or acting employees for the town through the office of the Town Administrator and limit the category of such employees to a term of employment of no greater than 180 days. It further updates the town's non-discrimination hiring policies and retains the responsibility of the personnel board to review all potential full and part-time employees within the town.